

E-Filed 7/24/12

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHARLES JOSEPH CARTER,

No. C 11-1242 RS (PR)

Petitioner,

ORDER OF DISMISSAL

v.


GARY SWARTHOUT, Warden,

Respondent.

This is a federal habeas corpus action filed pursuant to 28 U.S.C. § 2254 by a *pro se* state prisoner. Pursuant to petitioner's motion of voluntary dismissal (Docket No. 20), this action is dismissed. *See* Fed. R. Civ. P. 41(a)(1) ("[A]n action may be dismissed by the plaintiff without order of the court . . . by filing a notice of dismissal."); *Hamilton v. Shearson-Lehman American Exp. Inc.*, 813 F.2d 1532, 1534–1536 (9th Cir. 1987) (Rule 41(a)(1)(I) does not require leave of court to dismiss the action). The dismissal is without prejudice. *See* Fed. R. Civ. P. 41(a)(1). Petitioner's request that this Court transfer the action to a state appellate court is DENIED because this Court has no authority to transfer a federal habeas action to a state court. If petitioner seeks review in that court, he must file an action there. The order to show cause (Docket No. 19) is VACATED, and the parties are relieved of the burdens that order imposed. The Clerk shall enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

DATED: July 24, 2012


 RICHARD SEEBORG
 United States District Judge

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